

FILED
2010 NOV 22 PM 2:20
CLERK OF DISTRICT COURT
BUTTE, MONTANA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BUTTE DIVISION

ROMAN SONNY McCARTHY,

Plaintiff,

vs.

STEVE ETTE, et al.,

Defendants.

No. CV-10-48-BU-SEH

ORDER

On October 25, 2010, United States Magistrate Judge Keith Strong entered his Findings and Recommendations¹ in this matter. Plaintiff filed objections² on November 9, 2010. The Court reviews *de novo* findings and recommendations to which objections are made. 28 U.S.C. § 636(b)(1).

Upon *de novo* review of the record, I find no error in Judge Strong's Findings and Recommendations and adopt them in full.

¹ Document No. 6

² Document No. 7

ORDERED:

1. Plaintiff's Complaint³ is DISMISSED with prejudice on grounds it is barred by the applicable statute of limitations.
2. The Clerk is directed to enter judgment accordingly.
3. The filing of this action counts as one strike for failure to state a claim. 28 U.S.C. § 1915(g).
4. Any appeal from this disposition will not be taken in good faith as Plaintiff's claims are barred by the applicable statute of limitations. Fed. R. App. P. 24(a)(3).

DATED this 22^{mcl} day of November, 2010.


SAM E. HADDON
United States District Judge

³ Document No. 2